

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: JOHN P. KERR, Debtor, SPECIALIZED LOAN SERVICING, LLC, AS SERVICER FOR MORGAN STANLEY MORTGAGE LOAN TRUST 2007-8XS, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE, Movant, v. JOHN P. KERR, and KENNETH E. WEST, Chapter 13 Trustee, Respondents.	Bankruptcy No. 23-13335-mdc Chapter 13
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OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

AND NOW COMES, Movant, Specialized Loan Servicing, LLC, as Servicer for Morgan Stanley Mortgage Loan Trust 2007-8x, U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Objection to Confirmation of Chapter 13 Plan (the “Objection”) filed November 17, 2023, stating as follows:

1. Respondent, John P. Kerr (the “Debtor”) filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on November 3, 2023 (the “Petition Date”).
2. Kenneth E. West is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

3. Specialized Loan Servicing, LLC, as Servicer for Morgan Stanley Mortgage Loan Trust 2007-8x, U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee holds a mortgage (the "Mortgage") on the Debtor's real property located at 430 Ashley Drive, Hatboro, PA 19040 ("Property"), recorded in the Office of the Recorder of Deeds for Montgomery County, Pennsylvania, to secure a Note (the "Note") with a principal balance of \$250,000.00. True and correct copies of the Mortgage, Assignment of Mortgage, and Note are attached hereto as Exhibits "A", "B" and "C", respectively.

4. Debtor executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Movant, has been duly endorsed or Movant, directly or through an agent, has possession of the promissory note and may enforce the promissory note as a transferee in possession. Movant is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust. If the original promissory note is lost or destroyed, then Movant will seek to prove the promissory note using a lost note affidavit.

5. The Contract requires monthly payments of \$1,815.28 at an interest rate of 7.890%.

6. The total debt on the Mortgage and Note as of November 22, 2023, was \$377,389.71. The total pre-petition arrears due at the Petition Date was \$173,873.27. These amounts will be reflected in the Proof of Claim that will be filed by Movant prior to the bar date.

7. Debtor's Chapter 13 Plan filed November 17, 2023, that does not provide for the pre-petition amounts owed to Specialized Loan Servicing, LLC, as Servicer for Morgan Stanley Mortgage Loan Trust 2007-8x, U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee and therefore fails to comply with 11 U.S.C. § 1322.

8. The Movant's Proof of Claim should govern.

WHEREFORE, Movant, Specialized Loan Servicing, LLC, as Servicer for Morgan Stanley Mortgage Loan Trust 2007-8x, U.S. Bank National Association, as Trustee, Successor in Interest to Bank

of America, National Association, as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee, respectfully requests that this Honorable Court deny confirmation of Debtor's Chapter 13 Plan.

Dated: November 29, 2023

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Servicer for Morgan Stanley Mortgage Loan
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America, National Association, as Trustee,
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